



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

DEC 27 2005

Christine Godfrey
Chief, Regulatory Division
US Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

RECEIVED
DEC 30 2005
REGULATORY DIVISION

RE: NAE-2004-2355, Weaver's Cove Energy LNG Project; Revised Public Notice

Dear Ms. Godfrey:

The National Marine Fisheries Service (NMFS) has reviewed the revised public notice (NAE-2004-2344) for the construction of a Liquefied Natural Gas (LNG) import facility along the Taunton River in Fall River, Massachusetts. NMFS provided earlier comments to the Army Corps of Engineers (ACOE) on September 17, 2004, and outlined foreseeable adverse effects to fishery resources and habitats resulting from construction and operation of the facility. Within our September 17, 2004 comments, NMFS provided conservation recommendations on this project and invoked the elevation process outlined in Part IV, Paragraph 3(b) of our interagency Memorandum of Agreement (MOA). Furthermore, NMFS has provided similar comments to the Federal Energy Regulatory Commission (FERC) and the Massachusetts Executive Office of Environmental Affairs (EOEA) regarding the Environmental Impact Statement (EIS) and the Environmental Impact Report (EIR) processes, respectively.

The current proposed project involves dredging within an existing federal navigation channel, installing structures, and discharging fill material in wetlands and waterways for the construction of the LNG import terminal and natural gas pipeline facilities. Specifically, the applicant has proposed to dredge approximately 2.5 million cubic yards of material from within a footprint of approximately 200 acres; replace a pier with jetty structure; install sheet pilings to stabilize and straighten approximately 2,650 feet of shoreline; and permanently fill approximately 0.94 acres of intertidal habitat, and 0.17 acres of subtidal habitat. Previously proposed salt marsh impacts have been removed from the project. Currently, the proposed project has revised the preferred alternative to include the offshore disposal of dredged material. As stated within the ACOE public notice for this project, the US Environmental Protection Agency and the ACOE have determined that material is suitable for open water disposal at the Rhode Island Sound Disposal Site and/or the Massachusetts Bay Disposal Site.

As indicated within earlier comments, the primary concern of NMFS is the proposed dredging. We have previously recommended that time of year dredging restrictions be included for the protection of winter flounder spawning and juvenile development and the upstream spawning migrations of anadromous fish. In addition, we have recommended that methods be utilized in order to minimize impacts on anadromous fish during the fall downstream migratory periods, and that compensa-



mitigation be required to offset unavoidable impacts on fish habitat. At this time, NMFS maintains that these recommendations are necessary to sequentially avoid, minimize, and mitigate adverse effects to fishery resources and habitats.

Issues related to winter flounder

Within our previous comment letters, NMFS described a series of habitat parameters that indicated the proposed project site was utilized as EFH for winter flounder, including location in the estuary, water depth, and water temperature. Throughout our involvement in the federal and state review processes, NMFS has expressed concern that suspended sediments resulting from the construction of the proposed project will have substantial and unacceptable impacts on winter flounder spawning habitat. As such, NMFS has provided ACOE, FERC, and the EOEAA with an EFH conservation recommendation to avoid all silt producing activity between January 15-May 31 of any year in order to protect winter flounder spawning and juvenile development. Within the Final Environmental Impact Statement (FEIS), FERC has recommended that this time of year restriction be adopted. At this time, NMFS maintains that a January 15-May 31 time of year dredging restriction should be required in order to protect winter flounder spawning and juvenile development.

The applicant has utilized the SSFATE modeling program to predict approximately 6.2 acres of adverse impact on winter flounder EFH resulting from dredging-induced suspended sediment. As stated consistently throughout our comment letters, NMFS maintains that inputs to the SSFATE model have underestimated the habitat parameters of winter flounder spawning conditions and dredge operational requirements, and, therefore, the impacts on EFH have been substantially underestimated. In particular, NMFS maintains that model inputs regarding spawning depth of winter flounder, egg incubation duration, and depth of sediment which will cause adverse impacts on winter flounder have been underestimated. Furthermore, NMFS questioned operational inputs to the model including percentage of bucket loss during dredging and the inclusion of barge overflow in the model calculations. In our opinion, the adverse impacts on winter flounder EFH would be significantly greater than 6.2 acres, if our previously recommended parameters had been utilized in the SSFATE model.

As described previously within our comment letters, there will be approximately 11 acres of permanent loss of winter flounder spawning habitat resulting from depth changes associated with the expansion of the turning basin and portions of the channel. While the expansion of this area may be necessary to fulfill the project purpose, there will be substantial impacts on winter flounder EFH within the Taunton River. Loss of this habitat will contribute to the cumulative adverse impact on winter flounder habitat within the Mount Hope Bay/Taunton River complex. NMFS has previously recommended that permanent losses to winter flounder EFH should be mitigated. Mitigation projects should be project specific and adequately compensate for lost functions and values, and should be coordinated with federal and state resource agencies.

Issues related to anadromous fish

The Taunton River serves as an important migratory pathway for a number of anadromous fishery resources, including Alewife (*Alosa pseudoharengus*), blueback herring (*Alosa aestivalis*), rainbow smelt (*Osmerus mordax*), and American shad (*Alosa sapidissima*). These anadromous fishery resources serve as prey for a number of federally managed species, and are considered a component

of EFH pursuant to the Magnuson-Stevens Fishery Conservation and Management Act. In addition, these resources are considered important NMFS trust resources, covered under the Fish and Wildlife Coordination Act review process.

In previous comment letters, NMFS raised concerns over dredging impacts on anadromous fishery resources and had recommended a time of year dredging restriction from March 1–July 31. The Second Supplemental Draft Environmental Impact Report (SSDEIR), required by the Massachusetts Secretary of Environmental Affairs, provides information regarding the timing of local fish runs in an attempt to demonstrate that upstream migrations are completed during the months of March-June. Notwithstanding the fact that site specific information on the occurrence of American shad in the Taunton River is not presented, the SSDEIR notes that this species has been found in the Connecticut River and Pawcatuck River into July, both of which are located south of the Taunton River. As water temperature determines the timing of migration into natal rivers, the spawning runs of American shad proceed generally from south to north. At a minimum, we anticipate that the timing to the American Shad upstream migration will occur during a similar time frame as the Connecticut and Pawcatuck rivers. Furthermore, colder water temperatures in a given year can delay upstream spawning migrations further. As such, NMFS maintains that anadromous fish may be present in the Taunton River until July 31.

Although the SSDEIR concludes that anadromous fishery resources migrating through the area will not be adversely affected by dredging operations, NMFS continues its position that construction activities and associated sediment plumes may impair migration of anadromous species in the Taunton River. As stated previously within our comment letters, NMFS maintains that suspended sediment concentrations during dredging have been underestimated, and that “minimum” effects thresholds utilized for anadromous fish focus on lethal and sublethal effects and do not consider the behavioral effects to migrating fish. Therefore, NMFS continues to maintain that adverse effects on anadromous fish have been underestimated. As such, NMFS maintains that a time of year dredging restriction between March 1 and July 31 should be required for anadromous fishery resources.

In addition to the time of year restriction for the protection of upstream migrating fish, NMFS has previously recommended that downstream migrations of anadromous fishery resources in the Taunton River need protection between June 15 and October 31. At this time, the proposed project has not identified methods to avoid and minimize adverse effects to downstream migrations of anadromous fish. While NMFS maintains that adverse impacts should be avoided during the downstream migration period, we remain concerned that the current proposal to utilize offshore disposal will result in additional work performed during the downstream migration. Under the previous scenario of placement of dredged material at the upland terminal site, the rate of dredging was limited by the rate of preparation and placement on the site (i.e., dewatering, addition of Portland cement, and landform construction). Under the current proposal for offshore disposal, the project will no longer be constrained by the production rate, and proposes to utilize multiple dredges in order to complete the project. In developing methods to avoid and minimize adverse effects to downstream fish migrations, the applicant should account for the interactive and additive impacts resulting from the use of multiple dredges and the anticipated levels and extent of suspended sediments. Alternatives that avoid and minimize adverse effects on downstream migrations of fish, including project sequencing and restrictions on the number of dredges

operating between July 31 (end of the recommended upstream dredging restriction) and October 31, should be analyzed. NMFS has recommended that this issue be addressed within the Final Environmental Impact Report (FEIR).

Additional impacts on fishery habitat

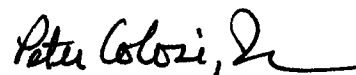
As noted within our September 17, 2004 letter, there will be a permanent loss of approximately 1.11 acres of aquatic habitat, including approximately .94 acres of intertidal habitat and .17 acres of subtidal habitat, associated with proposed shoreline modifications. Intertidal mudflats have been designated by the US Environmental Protection Agency as "Special Aquatic Sites" pursuant to Section 404 (b)(1) of the Federal Clean Water Act (40 CFR section 230.41; 40 CFR section 230.42), due to their importance to the aquatic ecosystem. Shallow subtidal areas serve as feeding habitat and shelter for a number of juvenile fish species. Permanent loss of these habitats will contribute to the overall degradation of habitat within the Mount Hope Bay/Taunton River complex. NMFS has previously recommended that compensatory mitigation be required to offset permanent losses of this habitat. At this time, compensatory mitigation for intertidal and subtidal losses has not been presented.

Conclusions

The Taunton River and Mount Hope Bay serve as important habitat for a number of living marine resources. As noted above, NMFS maintains that adverse impacts on fishery resources and habitats resulting from dredging operations may be minimized through the use of appropriate time of year work restrictions. As such, NMFS maintains that no in-water silt producing activity should occur between January 15 and May 31 of any year in order to minimize adverse impacts on winter flounder spawning and juvenile development habitat. In order to provide protection for upstream spawning migrations of anadromous fishery resources within the Taunton River, we maintain that no in-water, silt-producing activity should occur between March 1 and July 31 of any year. In order to protect downstream migrations of anadromous fishery resources, alternatives that avoid and minimize impacts, such as project sequencing and restrictions on the number of dredges operating between July 31 and October 31, should be analyzed further. In order to offset the permanent loss of 11 acres of winter flounder spawning habitat associated with dredging and the permanent loss of 1.11 acres of intertidal and subtidal habitat associated with shoreline modifications, compensatory mitigation should be presented.

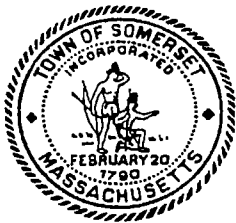
Should you have questions regarding these comments, please contact Christopher Boelke of my staff at (978) 281-9131.

Sincerely,



Peter D. Colosi, Jr.
Assistant Regional Administrator
for Habitat Conservation

CC: USEPA – Robert Varney
USFWS- Michael Bartlett
NPS – Jamie Fosburgh
EOEA – Secretary Stephen Pritchard
MADMF- Paul Diodati
MACZM – Susan Snow-Cotter
MADEP- John Felix
RI CRMC- Grover Fugate
RI DFW – Chris Powell
F/NE –Pat Kurkul



Town of Somerset Conservation Commission

December 22, 2005

Attention: Ted Lento
US Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

RECEIVED

DEC 27 2005

REGULATORY DIVISION

Re: File # 2004-2355

Weaver's Cove Energy, LLC. and Mill River Pipeline, LLC.

Dear Officer Lento,

The Somerset Conservation Commission has issued a denial Order of Conditions for the project based upon many issues and environmental concerns that remain unresolved in spite of a five (5) month hearing process.

Many of these issues are still unresolved based upon the SSDEIR and new ones have arisen due to the WCE now considering offshore disposal of dredge material. The Somerset Conservation Commission feels that this would result in an accelerated dredge schedule that has the potential for increased turbidity thus potentially having an increased harmful effect on fisheries and shellfish. The Taunton River is the second largest watershed in Massachusetts and is home to the region's largest herring run. WCE plans to dredge throughout this migration period. This would have a negative effect not only on the Taunton River fish population but also to its contribution to Narragansett Bay, which is designated by the EPA as a nationally significant resource.

While the Taunton River is closed to shell fishing locally it has still been designated by the Division of Marine Fisheries as "Significant Shellfish Habitat". In our opinion, the proposed dredging would have a significant negative impact on the shellfish in the Taunton River.

Somerset is the only town on the Taunton River to maintain a public beach; the dredge may also have a negative impact on water quality, which would affect recreational use of our swim waters.

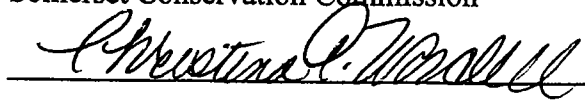
Overall, it is the opinion of the community leaders of Somerset that this proposal is not in the best interest of our citizens. That there are other proposals for alternative energy sources for the region with less environmental impacts and that this project should be denied. Further, the Somerset Conservation Commission believes that:

1. The details of the work proposed are still insufficient to enable the government a clear understanding of the nature and magnitude of immediate and long-term impacts of the dredging of the Taunton River.
2. In some instances, the Applicant's proposal identified a range of possible construction techniques that may, or may not, be employed during construction, or indicates that construction details will be determined during the final design phase of the project. No approvals should be granted to this project until the final design of the project has been completed.
3. We believe that the Applicant has inaccurately described dredging impacts as temporary when in fact several government agencies have described impacts as being permanent.
4. The Applicant has not adequately evaluated alternatives for the Western Lateral Crossing of the Taunton River. The Somerset Conservation Commission disagrees that the open cut pipeline construction technique is a "best available measure for minimizing impacts on protected resources" (310 CMR 10.24 (7)(b)(2) and rejects the Applicant's claim that the open cut crossing technique is the least impact alternative.
5. The Applicant has yet to provide adequate information on contaminated sediments that may effect compliance with performance standards pertaining to water quality.
6. The removal and disposition of dredged materials, at a faster rate than originally proposed, still does not adequately address potential harm to the fish runs, shellfish beds, and water bodies of the Taunton River and Mt. Hope Bay.

Thank you for allowing the local government and citizens to be heard on this important issue, we have faith in the system and trust that the decision will be made in the best

interest of our environment and that the facts speak for themselves and this project will be denied in the best interest of the environment.

Somerset Conservation Commission

A handwritten signature in black ink, appearing to read 'Christina A. Wordell', written over a horizontal line.

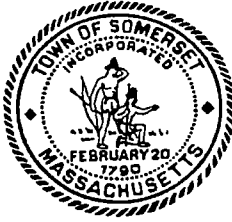
Christina A. Wordell, secretary

cc: Lt. Colonel Andrew Nelson

Christine Godfrey

Commission

caw



Town of Somerset Conservation Commission

December 22, 2005

Attention: Ted Lento
US Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

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DEC 27 2005
REGULATORY DIVISION

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Somerset is the only town on the Taunton River to maintain a public beach; the dredge may also have a negative impact on water quality, which would affect recreational use of our swim waters.

Overall, it is the opinion of the community leaders of Somerset that this proposal is not in the best interest of our citizens. That there are other proposals for alternative energy sources for the region with less environmental impacts and that this project should be denied. Further, the Somerset Conservation Commission believes that:

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Somerset Conservation Commission

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Christina A. Wordell, secretary

cc: Lt. Colonel Andrew Nelson

Christine Godfrey

Commission

caw



SPRINGFIELD EYE ASSOCIATES, INC.

300 STAFFORD STREET • SUITE 212 • SPRINGFIELD, MASSACHUSETTS 01104-3581 • TEL. (413) 739-7367 FAX (413) 737-2686

December 22, 2005

U. S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751
ATTN: Ted Lento

MARK A. JACKOWITZ, M.D.
GREGORY J. FAUST, M.D.
PHILIP MORAITIS, M.D.
BRIAN K. BREDVIK, M.D.
SANTWANA PRASAD, O.D.

Dear Mr. Lento:

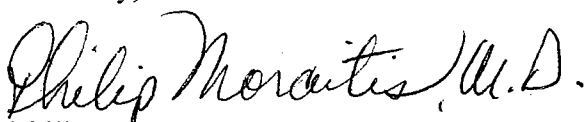
My wife and I have a special fondness for Rhode Island, especially Bristol, as we have been there as newlyweds and have now returned, buying a summer property in Bristol with the hope of retiring there in the future.

It is with great dismay that we have followed the proposal for the liquid natural gas facility in Fall River. How somebody could choose such a densely populated area for liquid natural gas is unbelievable. It defies common sense to dredge the bay that we have spent the past 12 years working to clean only to release more toxins so that our children can no longer comfortably enjoy swimming in these waters.

Yes, New England needs a natural gas facility, but when there are off-shore options, the decision to bring it through such a densely populated area under bridges creates a public health hazard for all residents in the immediate vicinity. It is amazing to me that this site has even been given serious consideration as evidence of poor judgement at best and more likely political corruption. This is a time when the federal government is supposed to be protecting people from possible terrorist targets. We know that terrorists like big explosions and we are creating an ideal target that will pass right under the Newport bridge and then barely make it under the Mount Hope bridge.

There comes a time in somebody's life where they need to think carefully about what is really the right thing to do in this situation. Is it better to jeopardize residents, pollute waters, disturb commerce by closing bridges in a beautiful area that tourists are just beginning to discover, or should we choose another site 12 miles off the coast of Gloucester which won't disturb anybody. Your decision will have long-lasting repercussions and the negative effects of a natural gas facility in Fall River will be a horrible legacy that you will pass on to future generations.

Sincerely,


Philip Moraitis, M.D.

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DEC 27 2005

REGULATORY DIVISION



SPRINGFIELD EYE ASSOCIATES, INC.

300 STAFFORD STREET • SUITE 212 • SPRINGFIELD, MASSACHUSETTS 01104-3581 • TEL. (413) 739-7367 FAX (413) 737-2686

December 22, 2005

MARK A. JACKOWITZ, M.D.
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BRIAN K. BREDVIK, M.D.
SANTWANA PRASAD, O.D.

U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751
ATTN: Ted Lento

Dear Mr. Lento:

It is with great sadness that I have been following the proposal for a liquid natural gas facility in Fall River. Over the past 12 years, great efforts have been made to clean up the Narragansett Bay and I am happy to say my children are able to swim in those waters without my husband or my worrying about its cleanliness. But what will happen to the bay when it is dredged and all the zinc and other chemicals that Mother Nature has buried over the years are re-released into the bay? Is it responsible to put a liquid natural gas facility in such a densely populated area where it will endanger the residents of Rhode Island? Aren't we all aware that terrorists who want to make a statement prefer large explosions and have shown a special interest in destroying bridges?

The most perplexing thing is that the Fall River site is being seriously considered when another option exists 12 miles off the coast of Gloucester which will have none of these negative consequences. The decision you make will have long-lasting consequences for the residents of Rhode Island, marring a beautiful coastline, in an area that is becoming a haven for tourists.

I want you to think carefully about your decision, as it will have long-lasting repercussions for future generations. The proper choice is obvious and needs your support.

Sincerely,


Ann Marie Moraitis

RECEIVED

DEC 27 2005

REGULATORY DIVISION

December 26, 2005

U.S. Army Corps of Engineers
New England District
Regulatory Division
Attn: Ted Lento, Permit Project Manager
696 Virginia Road
Concord, MA 01742-2751

RECEIVED
DEC 28 2005
REGULATORY DIVISION

Re: File No. NAE 2004-2355 Weaver's Cove LNG Project, Fall River, MA

Dear Mr. Lento:

The mission of The Nature Conservancy is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. With the help of public and private partners, the Conservancy has protected more than 23,000 acres of land and water in Massachusetts.

The Nature Conservancy is concerned about the environmental impacts of dredging associated with the proposed construction of a liquefied natural gas facility on the Taunton River.

The Taunton River watershed lies within the North Atlantic Coast (NAC) ecoregion, which encompasses the coastal areas of nine states from Delaware to Maine. The Taunton River and six tributary streams were chosen by the Conservancy during the NAC aquatic ecoregional planning process in 2002 because the watershed is a unique geomorphic type, is in remarkably good condition, and hosts a concentration of ecoregional target species and communities. In total, the watershed is home to 42 ecoregional target species (species that are declining, disjunct, or otherwise vulnerable at the ecoregional scale), 68 State listed rare species, and several globally rare natural communities.

Despite a decline in 2005 to 400,000 adults from over a million in recent years, the Taunton/Nemasket River run is still the largest spawning population of river herring in southern New England. At a time when this species is experiencing unexplained and serious declines in abundance across the ecoregion, it is appropriate to provide a high level of protection to the strongest populations. The Nature Conservancy supported the Commonwealth's recent action to prohibit all taking of river herring in an effort to protect and rebuild spawning stocks.

Although population data for other species is more limited, the best available information indicates that the Taunton River also supports regionally important populations of American eel and rainbow smelt, which along with river herring are priority species for the Conservancy. Rainbow smelt is listed by NOAA as a "species of concern" and Atlantic States Marine Fisheries Commission is revising the management plan for American eel following declarations of concern from the

International Eel Symposium and the Great Lakes Fisheries Commission in 2003. The public comments of NOAA Fisheries, the Massachusetts Division of Marine Fisheries, and other State and Federal resource agencies indicate serious concerns about the impacts of the proposed project to public trust resources, with emphasis on the direct impacts of dredging.

As proposed, the Weaver's Cove project is not consistent with the public interest in maintaining the chemical, physical and biological integrity of the Taunton River and Mount Hope Bay.

Thank you for this opportunity to comment. If you have questions, please contact me at 617-227-7017 x351, abowden@tnc.org.

Sincerely,

A handwritten signature in black ink that reads "Alison A. Bowden". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alison A. Bowden
Aquatic Ecologist



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

December 6, 2005

Secretary Stephen R. Pritchard
Executive Office of Environmental Affairs
Attn.: Rick Bourré, MEPA Unit, EOE #13061
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: Weaver's Cove Energy LLC and Mill River Pipeline, LLC, Fall River, Freetown, Somerset, & Swansea, MA. MHC #RC.33045. PAL #1540. COE-NED-R-File #2004-2355.
FERC Docket #CP04-36-000 & CP04-41-000. EOE #13061.

Dear Secretary Pritchard:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the Second Supplemental Draft Environmental Impact Report (SSDEIR) submitted by Epsilon Associates Inc. for the proposed project referenced above.

Concerning historical architectural resources, the SSDEIR indicates that Weaver's Cove will provide Inventory forms to the MHC and FERC for architectural resources in the Area of Potential Effect (APE) for review and comment, should any additional properties be identified. In a letter dated December 7, 2004, the MHC indicated that the Form A for the Lower North Main Street Area, Form E for St. John's Roman Catholic Cemetery, and Form A for the Riverside Avenue South Area submitted in Attachment 22 of the SDEIR will assist in evaluating the National Register eligibility of historic properties in the APE. The MHC respectively reiterates its earlier requests for a Form B for each of the potentially eligible properties within the APE. As Inventory forms have been provided for the other identified resources within the APE, the MHC only requires a completed Form B for the subject property, the Shell Oil Terminal, in Fall River, unless any additional properties should be identified. The MHC looks forward to receiving and reviewing the above requested information.

The MHC understands that the precise appearance of the northern meter station has not been determined. The MHC understands from the plans, sections, and other descriptive information provided that the highest element of the facilities will be nineteen feet tall while the other structures will be approximately ten feet tall. The facility will be neutral in color. The photographic information provided indicates that intervening vegetative screening exists between the Winslow Burial Ground (MHC# FRE.833), which is included in MHC's Inventory of Historic and Archaeological Assets of the Commonwealth and may be eligible for listing in the National Register of Historic Places (36 CFR 60), and the location of the proposed pipeyard and meter station. The MHC encourages Weaver's Cove to retain, to the extent feasible, any extant intervening vegetative screening. The MHC also looks forward to receiving and reviewing the previously-requested photographic simulations for the meter station and pipeyard in relation to the historic cemetery when this information becomes available. The photographic simulations will assist FERC in its determination of the APE for visual effects for the proposed pipeyard and meter station.

220 Morrissey Boulevard, Boston, Massachusetts 02125
(617) 727-8470 • Fax: (617) 727-5128
www.sec.state.ma.us/mhc

U.S. Army Corps
of Engineers

Jan. 3, 2006

106 Wilder St.
Swansea, Ma. 02777

Thank You for allowing me to comment on the LNG situation in Fall River. I am 77 years of age and have been a long time follower of the Army Corp of Engineers. I see the Corp as a very reliable and trust worthy organization.

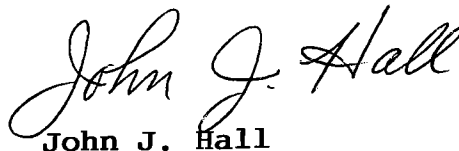
Although I have lived on Gardner's Neck in Swansea for 42 years, I was born and raised in Fall River. I feel that anyone with an ounce of common sense knows that a LNG facility does not belong at weaver's Cove in Fall River or in any other heavily populated city or town. It's borderline insanity and I am 100% opposed to it. I recently read that the City of Boston is lobbying for an off-shore facility as a possible way to greatly reduce the need for LNG vessels to enter Boston's inner harbor in Everett. I hope they succeed.

If LNG finds a way to get into Weaver's Cove, that will be my signal to sell my home, although it will break my heart after 42 years. This is a wonderful place to live. I know that if if LNG get into Weaver's Cove, Brayton Point will be next. That's the plan. They will have this area looking like Newark and Trenton, N.J. in no time at all. Trust me.

That Storage Tank they have proposed for Brayton Point has a capacity of 42.2 Million Gallons of LNG. Swansea's Fire Chief, Paul Burke, who also lives on Gardner's Neck, informed us via a newspaper article, that if that proposed Tank ever ignited, for what-ever reason, he said don't expect to be rescued because it won't be possible. We have a volunteer Fire Dept. In other words, we will be incinerated. Nice Thought!....I HOPE I NEVER SEE THE DAY THAT ONE OF BEASTLY TANKERS COME DOWN MT. HOPE BAY TO THE MOUTH OF THE TAUNTON RIVER.....Lord..hear my prayer!

Thank You So Much'

Sincerely.


John J. Hall

RECEIVED

JAN - 5 2006

REGULATORY DIVISION



Fall River Industrial Park

NRG MONTAUP STATION
~100 MW Coal and Oil Fired

Weaver's Cove

Project Site

New Bridge
Opening 2010

Brightman St Bridge

Braga Bridge

My Home

State Pier

Borden and Remington

Propose L.N.G. TANK
42.2 Million Gallons

PG&E BRAYTON POINT POWER STATION
~1600 MW Coal/Oil/Gas Fired

Gardners Neck

Mount Hope Bay

New England Gas
Co. LNG Tank



Site Aerial Photo
Fall River, MA

Weaver's Cove Energy



RAYMOND E. HAGUE
CITY COUNCILLOR

City of Fall River, Massachusetts

January 6, 2006

Mr. Ted Lento
US Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

Re: File Number 2004-2355

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JAN - 5 2006

REGULATORY DIVISION

Dear Mr. Lento:

As Chairman of the Fall River City Council Committee on Public Safety, I feel compelled to comment on the proposed Weaver's Cove Energy, LLC and Mill River Pipeline, LLC project as documented in File Number 2004-2355. As Chairman of this committee I have numerous general environmental concerns.

The transportation of dredged material that could possibly be contaminated should be considered, as during transportation there could be pollution of surrounding areas. Disposing of the material can also cause great concerns.

The safety of the residents of the City of Fall River must be considered first and foremost. The integrity of the environment for our residents must be kept clean and safe for our future generations, even though we realize that fuel sources must always be upgraded and improved. This cannot be done while risking our public safety.

Thank you for the opportunity to comment on this request and register my concerns as Chairman of the Committee on Public Safety of the Fall River City Council.

Sincerely,

Raymond E. Hague
Raymond E. Hague, Chairman
Committee on Public Safety

/ct



US Army Corps
of Engineers®
New England District

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

2005 DEC 28 A 10:11
Date: December 27, 2005
Comment Period Ends: February 8, 2006

CITY CLERK
FALL RIVER, MA
File Number: 2004-2355
In Reply Refer To: Ted Lento

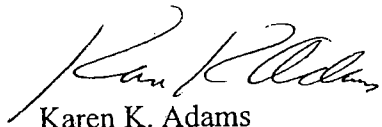
Revised Public Notice to Extend Comment Period

Weaver's Cove Energy, LLC. ("Weaver's Cove") and Mill River Pipeline, LLC. ("Mill River") (collectively, the "Applicant") have requested Corps of Engineers ("Corps") permits under Section 10 of the Rivers and Harbors Act of 1899, Section 103 of the Marine Protection, Research and Sanctuaries Act and Section 404 of the Clean Water Act to conduct dredging in an existing Federal navigation channel, install structures and discharge fill material in wetlands and waterways for the construction of a liquefied natural gas ("LNG") import terminal and natural gas pipeline facilities. The LNG terminal would be located on a 73 acre site adjacent to the Taunton River primarily at One New Street in the City of Fall River, Massachusetts. Mill River is proposing to temporarily alter wetlands and waterways in order to construct two new lateral pipelines (referred to as the Western Lateral and Northern Lateral) that will facilitate the delivery of re-gasified LNG to the existing interstate pipeline network. The facilities of Weaver's Cove and Mill River are together referred to as "the Project". The Project facilities are also subject to the jurisdiction of the Federal Energy Regulatory Commission ("FERC") pursuant to Sections 3 and 7 of the Natural Gas Act. A prior Corps Public Notice was issued for this project on August 3, 2004 and joint Corps / FERC Public Hearings were held September 8, 2004 in Massachusetts and September 9, 2004 in Rhode Island. Due to proposed project modifications we issued a revised notice on November 1, 2005 and held two additional public hearings on December 14, 2005 and December 15, 2005 to seek comment on aspects of the Project within Corps jurisdiction. Copies of the public notice and permit plans are available for viewing or downloading from the Corps Internet site www.nae.usace.army.mil under the link for Regulatory Public Notices.

Based upon requests received during the public hearings to allow for additional time to prepare written comments, the comment period has been extended to February 8, 2006. Transcripts of the hearings will be posted to the Corps internet site www.nae.usace.army.mil as soon as possible.

Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the date in the title block above. If you have any questions, please contact Ted Lento at (978) 318-8863 or (800) 362-4367, if calling from within Massachusetts.

SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS


Karen K. Adams
Chief, Permits & Enforcement Branch
Regulatory Division



SAVE BRISTOL HARBOR

PO Box 242 Bristol, RI 02809

2- January 2006

Mr. Ted Lento
US Army Corps of Engineers
696 Virginia Rd.
Concord, MA 01742-2751

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JAN - 5 2006

REGULATORY DIVISION

As President of Save Bristol Harbor, a non-profit environmental group whose mission is to safeguard and protect our local waters and advocate for protection of our air and land, I appreciate the opportunity to comment on the Weavers Cove LNG terminal project for Fall River, Massachusetts. As you are probably well aware the proposed dredging plans would occur in both States, RI as well as nearby Mass.

From the beginning of the proposed LNG transport projects involving RI waters, our group has been adamantly opposed to the grave dangers and disruptions of the possibility of massive tankers entering Narragansett Bay bringing the LNG fuel. We have been very active in our opposition and we claim the support of more than 2000 residents of our Town and nearby areas who have signed on to our petitions opposing this reckless plan of Weaver's Cove than has received conditional approval by FERC. Our petitions are held with our Clerk's office here in the Town of Bristol and may be made available to you at your simple request.

Our group joins both Town & State officials in condemning this nightmarish proposal by an energy company than has shown total disregard for the safety of our residents and no concern whatsoever for the welfare of our waters, both Narragansett Bay and its northern tributary, Mt Hope Bay. They have demonstrated this lack of concern by filing for this dredging permit, which the Army Corp will ultimately rule upon.

We live here in southern New England- the cradle of the American Industrial revolution, which brought forth many marvels of applied science and introduced jobs and opportunities to residents here and extended elsewhere throughout the country. With this dubious honor lies the fallout- the aftermath, the careless dumping of waste into our waters. We have spent the last thirty years attempting to cleanse our lands, our rivers and larger bodies of water in order to

create a greater quality of life. In our Narragansett Bay, including Mt. Hope lays the dormant remnants of the industrial age of ignorance when we simply discharged the runoff of chemicals and pollutants into the water. It did not go away but resulted in occasional fish kills while immersing itself into the beds and sediment of the water which is where the mercury, arsenic, metallic waste and other toxic materials continue to be buried creating little harm like a sleeping bear.

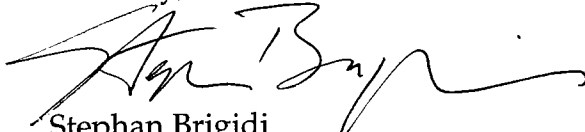
Now Weavers Cove intends to wake that sleeping monster to rein terror upon our waters for many miles, killing more fish, or worse poisoning them to poison us in our consumption. It may not directly destroy shell fishing beds which are essentially off limits in Mt. Hope bay because they sit upon the toxic beds, but will unleash sediment to carry many miles in unpredictable areas of greater Narragansett bay, the Taunton river, Bristol harbor, and who knows where it will end.

Weavers Cove if permitted may then wipe out the shell fishing industry here in southern New England. What kind of effect will charging up the pollutants have on bird life and our own quality of life as people living here?? What will become of our Tourism, arguably our largest industry here that so depends on the health of our waters?

Lastly, I must ask you to do the obvious as you are so empowered. To deny this ludicrous and insane plan of greed by Weaver's Cove, by denying them a dredging permit. You have such power to make this recommendation to your leadership. The many tens of thousands of residents here are convinced that this project of Weaver's Cove is a nightmare waiting to happen. LNG may be needed here in southern New England and that assessment has yet to be made as FERC has denied us a proper regional study of our energy needs. If LNG is needed it may be brought in far more safely from remote areas.

The many citizens and I look to you for fairness, impartiality, wisdom, and mostly courage to do the right thing, to do the humane thing and deny this permit to Weaver's Cove and protect us from harm, the worst possible dangers to our waters and our lives.

Sincerely,



Stephan Brigidi
President

*I can be reached
at 401-253-2351*

US Army Corps of Engineers
Attn: Ted Lento
New England District
696 Virginia Road
Concord, MA 01742-2751

RE: Weaver's Cove Energy / File# 2004-2355

Dear Mr. Lento:

I **oppose** the Weaver's Cove Facility.

Not only should facilities of this nature be located AWAY from densely populated areas – the dredging of Mt. Hope Bay waters and beyond would have a lasting negative impact on spawning grounds of local fish. I can only imagine the damage incurred as toxins, long buried by the tides, are released anew.

The Brightman Street Bridge has been given a new lease on life. A federal law and federal funds will allow this structure to remain and become a pedestrian/bike path – as you know, LNG tankers may not pass underneath.

I ask that you consider the neighbors of this project: the residents of Fall River, Aquidneck Island, Bristol, et al; the traffic obstacles which will occur; the incredible environmental damage and the plain fact that **opposition to this project is immense.**

Thank you.

Karolyn C. Miksis

Karolyn C. Miksis
382 High Plain St
Walpole Ma. 02081

26 Dec. 2005

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DEC 28 2005

REGULATORY DIVISION

US Army Corps of Engineers
Attn: Ted Lento
New England District
696 Virginia Road
Concord, MA 01742-2751

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Thank you.

Ch. J. Miksis

Charles J. Miksis

382 High Plain St

Walpole, MA 02081

12/24/05

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DEC 28 2005

REGULATORY DIVISION

December 27, 2005

US Army Corps of Engineer's
New England District
696 Virginia Road
Concord, MA 01742

Attention: Ted Lento

Dear Mr. Lento,

Re: Weaver's Cove Energy/File# 2004-2355

I am writing to let you know that both my husband and I are absolutely against any LNG plant being put in DENSELY POPULATED AREAS. Certainly Weavers Cove meets this description.



There are so just too many reasons to mention. The negative impact that dredging would cause to a river I have swum in since I was a child. The dredge material is toxic with mercury and I do not want young children who swim and boat being subjected to this. Closing the river when the ship arrives. The possibility of fire.

There are better alternatives such as 'offshore' locations on islands. Again I reiterate KEEP IT AWAY FROM DENSELY POPULATED AREAS.

I have been told that the Brightman Street Bridge will stay and if that is so there are no benefits to Weavers Cove.

Please listen to the public outcry.

Sincerely,

Lewis L. Smith
Barbara R. Smith
147 Grove Ave.
Somerset, MA.

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DEC 30 2005
REGULATORY DIVISION

December 27, 2005

US Army Corps of Engineer's
New England District
696 Virginia Road
Concord, MA 01742

Attention: Ted Lento

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Please listen to the public outcry.

Sincerely,

Jane E Murphy
Conan W. Murphy

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DEC 30 2005
REGULATORY DIVISION

12-28-05

Dear Mr. Lento,

As a resident of Bristol, RI myself and family strongly oppose a LNG terminal in Weaver's Cove. The environmental impact will be more harmful than the economic reward to the average consumer.

My suggestion is to put an LNG terminal in a remote area of New England even in Rhode Island if you wish. I will end this letter because I'm sure you've heard every reason to re think your location. Thank you.

Karl Centonno

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DEC 30 2005

REGULATORY DIVISION

CHÉRI FASO OLF
RONALD CHARLES OLF
209 HORIZON DRIVE
TIVERTON, RHODE ISLAND
02878

Mr. Ted Lento
US Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

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DEC 28 2005
REGULATORY DIVISION

RE: Weaver's Cove Energy / File# 2004-2355

Dear Mr. Lento:

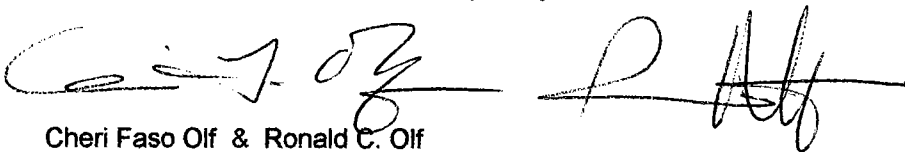
We send along this plea, in hopes that you will advocate for those of us who live here on the shores of Mt. Hope Bay. We are terrified by the possibility that the Weaver's Cove project will come to fruition, and remind you of a few key points:

- The Brightman Street Bridge issue has been resolved. A federal law has been passed that mandates that the bridge stay in place.
- Accelerate Gas plans to build and have open by 2007 an LNG receiving terminal 12 miles off the coast of Gloucester, Mass., which eliminates the need for the Fall River plan. Beyond that, there are offshore solutions which would virtually eliminate all of the problems associated with locating an LNG terminal in a densely populated area such as Fall River.
- Dredging of the channel will stir up contaminants such as zinc, copper and arsenic that have settled in the Bay's bottom. They these poisons would then be carried by the tides to the shore where our small children play every day, and will flow along to pollute other parts of the bay. Killing fish and marine mammals, and destroying their habitats. Please...do not allow this sleeping monster to be disturbed.

When we weigh the one known pro - an increased and *possibly* cheaper source of natural gas - against the myriad cons: environmental and economic impacts, traffic disruptions on land and sea, homeland security issues, the health and welfare of human beings - the Army Corps' answer should be clear.

Think of the efforts put forth to preserve your own Walden Pond. We who *LIVE* here on Mt. Hope Bay deserve just as much in the way of preservation. Please act on our behalf, and in the best interests of our children.

Sincerely, from the shores of Mt. Hope Bay,



Cheri Faso Olf & Ronald C. Olf
Evan - Age 8, Aidan - Age 5, Camryn - Age 2

[Faint handwritten notes and signatures at the bottom of the page]

**Watershed Action Alliance
of Southeastern Massachusetts**



December 27, 2005

U.S. Army Corps of Engineers
New England District
Regulatory Division
Attn: Ted Lento, Permit Project Manager
696 Virginia Road
Concord, MA 01742-2751

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JAN - 2 2006
REGULATORY DIVISION

Re: File # NAE 2004-2355 Weaver's Cove LNG Project, Fall River, MA

Dear Mr. Lento,

I am writing on behalf of the Watershed Action Alliance of Southeastern Massachusetts, a coalition of eleven watershed groups committed to the preservation and restoration of water and natural resources in the region and the state. As a group we are concerned with the location of the proposed LNG project and the long-term adverse impacts the related dredging will have on the health of the river, on the viability of spawning habitat for multiple species, and how the location of the project, at the mouth of the Taunton River Estuary and Mount Hope Bay, significantly undermines a ten year effort of multiple communities to create a stewardship plan that calls for the Wild and Scenic designation and protection for the most ecological important and valuable habitats in the entire Narragansett Bay Watershed.

We appreciated the Army Corp willingness to receive public comment on this proposed project and request that the sponsor's application for a 404 permit be denied because they have not met the following requirement of Section 404 of the Clean Water Act:

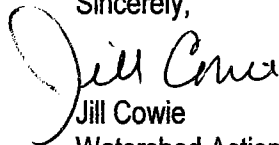
- 1) The permit applicant has not demonstrated that the dredging is unavoidable and represents the least environmentally damaging practical alternative to achieving the basic purpose of the project. We recommend that the Army Corp ask the applicant, in cooperation with government and regional stakeholders, to evaluate alternative project locations based on a comprehensive set of criteria that will help identify an environmentally preferable site.

- 2) The 404 permit requires an evaluation of the cumulative dredge and fill impacts. The EIR as written does not include the many pollution sources that already have compromised the natural conditions of the lower Taunton River and Mount Hope Bay including Dominion Energy's Brayton Point Station which has been implicated in an 87% decline in fish populations in Mount Hope Bay since 1986.¹
- 3) Proposed mitigation as outlined in the EIR does not recognize the significant loss and degradation of spawning habit nor propose to offset this loss by preserving, enhancing, or restoring similar spawning area in the watershed.

Lastly, the Southeastern Regional Planning Economic Development District has championed a ten year effort with multiple communities in Massachusetts and Rhode Island to have the Taunton River federally designated as Wild and Scenic. It is likely that the legislation formalizing this designation will be heard in Congress soon and the permitting of this project has the potential to undermine its positive outcome. We urge the Army Corp to effectively employ its regulatory authority and deny the permitting of the Weaver Cove project to protect the public trust resources of the Taunton River and the Mount Hope Bay as intended by the Clean Water Act.

Thank you for your time and consideration. Please feel free to contact me at 617-697-0922 if you would like to discuss these issues further.

Sincerely,



Jill Cowie

Watershed Action Alliance

Taunton River Watershed Alliance
Jones River Watershed Association
North and South Rivers Watershed Association
Fore River Watershed Association
Save the Bay-People for Narragansett Bay
Weir River Watershed Association

Copy to: Senator Kerry
Senator Kennedy
Congressman Barney Frank
Senator Pacheco

¹ Gibson, M.R. 1996. Comparison of trends in the finfish assemblage of Mt. Hope Bay and Narragansett Bay in relation to operations at the New England Power Brayton Point Station. RI Division Fish and Wildlife Research Reference Document 95/1. Revised, August, 1996

December 29, 2005

Mr. Ted Lento
US Army Corps of Engineers
New England District
696 Virginia Road
Concord, Ma. 01742-2751

File # 2004-2355

Dear Mr. Lento,

I have reviewed the above application and revisions for dredging and installation of piping beneath the Taunton River. The problem with the plan is that it will possibly destroy the habitat of fish species that are in some cases unique to this river and tributaries as a result of over dredging of the river for no apparent reason.

Due to the passage of the 2005 Federal transportation bill, the existing Brightman Street bridge has been designated as a foot bridge, bike path and emergency vehicle passageway to Fall River from Somerset. Because of this, the bridge will have to continue as a functioning bridge. This means that the present 96 foot opening will be maintained. With this limitation of possible width of any transportation vessel, the draft of these vessels will need to be in direct proportion to the width of these vessels, the present depth should suffice under these circumstances. Also because of this limitation the area just south of Borden Light and north of same would not have to be dredged to the requested depth or channel width. This would significantly reduce the impact on the volume of dredged materials to be removed which would reduce the possible disturbance of the sediment that these fish species are dependant upon.

This same logic would apply to the state of Rhode Island federal waters. Why take the chance of widening the channel for no apparent reason. No other major vessels would be allowed to utilize the channel due to the exclusion zones set by the Coast Guard regulations.

Sincerely,

Ronald M. Thomas
160 Mount Pleasant Street
Fall River, MA. 02720-4316

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JAN - 4 2006

REGULATORY DIVISION

**The Rev. James H. Hornsby, licsw
Rector Emeritus,
Saint Luke's Episcopal Church
Fall River, Massachusetts**

**Office and home:
260 Lake Avenue
Fall River MA 02721- 5423**

**phone: 508-672-6607
fax 508-676-1876
email jjhornsby@aol.com**

Re: LNG Plant in Fall River (2004-2355)

First, I want to thank you for extending the time allowed for statements. The previous deadline proved impossible, as I could not digest the project sufficiently to comment. Two major issues were not discussed in the new material, the issue of terrorism and the issue of the permanency of the current Brightman Street Bridge.

I write in opposition to any dredging. There is simply no need for the project, it will become outdated and abandoned, and the project will cause danger and damage to the environment and great expense.

There is no need:

Better sites are available both in this country and in Canada. Recent reports of Canada's willingness not only to accept but also even to encourage LNG plants in isolated areas make site redundant. To argue, as Weaver-Hess has done, that we are more reliable or secure makes a mockery of international cooperation with one of our closest allies.

In this country, no full evaluation has yet been done of Boston Harbor offshore islands, the Elizabeth islands, offshore Gloucester or other offshore spots, or the coastline from Fall River to the Canadian border. Might not this be a good idea before implementing 2004-2355?

It will become redundant very quickly.

Better sites will attract more tankers. The combination of new and larger tankers plus the filling of what is dredged will make the channel unusable. Even if the current Brightman Street Bridge is taken down (Federal law now calls for its maintenance) the new Brightman Street Bridge will barely fit current tankers and probably will not fit new and larger tankers. Hence you will again be asked to dredge, and perhaps to widen passageways in the new bridge.

The Brightman Street Bridge will remain.

Federal law calls for the current bridge to remain for non-motored activities such as walking, cycling and skating. Thus the dredging in 2004-2355 will be useless in providing LNG to the site and to the public. This is a valid use of the old bridge, one

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REGULATORY DIVISION

which would contribute much to SEMASS, especially Fall River and Somerset. Certainly the Corps of Engineers does not wish to engage in useless dredging.

Project 2004-2325 will damage the environment.

I cite the studies by and analyses of 2004-2355 done by Save the Bay, the Conservation Law Foundation and Green Futures. The plan has changed from piling up the sludge and dredged material on the plant site to dumping it in the ocean, presumably because it was too toxic to put on land. Is the material not too toxic to place in the ocean? No discernible ecological rationale is given for the change in the new EIS.

The project will be dangerous.

You list "safety" as one of the concerns, and talk about "reasonably foreseeable detriments." The public safety danger has been well documented in many places. Although your guidelines do not specifically list public safety as a consideration, I ask you to include human beings within five miles of the plant and the tanker pathway. It seems strange, perhaps even Orwellian, to ask you to refuse to dredge because dangerous vessels may burn or explode, causing extreme damage to the environment, but that is precisely what I ask you to do.

Weaver-Hess continually states is that 2004-2355 is safe, and that no member of the public has been killed. They seem not count the deaths in Algeria for some reason. Even if one would grant (and I do not so grant) that accidental burning/explosion is unlikely, at least two problem areas remain.

Accident: One is that an infrequent accident could be devastating, whether on a tanker or at the proposed site, because both the pathway and the site are in much too close to populated land. Even my elementary knowledge of statistics tells me that the more sites there are, with more and more shipments, the more likely we are to have an accident at one of the sites. The ramification of an accident are similar to those laid out below, except that an accident might not occur at the time and place suitable for most destruction, since, by definition, accidents are not planned.

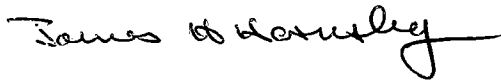
Terrorism: Weaver-Hess does not comment on the possibility of terrorist attacks. The EIS makes vague references to an evacuation plan; because of the density of the population and proximity of the population, no workable plan is possible. Materials from the EIS, from studies of terrorism and of terrorism and its impacts are widely available. This is especially true of terrorism with fanatical religious motivation. The purpose of the attack on LNG ship or facility would be to cause terror, fear, shock and awe in the US population in order that the terrorist might make religio-political gains, as the terrorist perceives these gains. Exploding/burning a tanker or tank site or both if done at the right time could result in immediate damage of the sort modeled by Professor Kay or Sandia labs, Green Futures or others. Damages from the initial burning/explosion and subsequent firestorm fed by the very common stiff wind from the bay, could result in the deaths of thousands of persons. Fall River has within it some very densely populated neighborhoods (Census 2000), which are largely composed of flammable wooden three-deckers and flammable mills. My own evaluation of the shoreline (bicycle and foot)

indicates that approach is feasible within a half mile (and much less in some places) of the tanker and/or Hess-Weaver site, especially if the individuals involved are willing to sacrifice their lives. Air and boat attack are documented in other places. We simply should not provide the opportunity for terrorists, here or anywhere else.

Omission by Hess-Weaver:

I ask you to consider the failure of the 2004-2325 proponents either to discuss terrorism or the ramifications of the permanency of the Brightman Street Bridge as admission that the project is not wise or feasible.

Thank you for this opportunity to comment.

A handwritten signature in black ink, appearing to read "James W. Hornsby". The signature is fluid and cursive, with a long horizontal stroke at the end.

The Rev. James. Hornsby